IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 8290 of 2004

Between:

Thula Rajender S/o. Thula Bala Raju, Occ:Cultivation,
H.No.3-4-635, Indira Nagar, Raipura, Hanamkonda, Warangal,
Warangal Distirct.

..... PETITIONER

AND

1 The Circle Inspector of Police,' Hanmkonda Police Station,
Warangal,Warangal District.
2 The Sub Inspector of Police, Hanmakonda Police Station,
Warangal, Warangal District.
3 Smt. Shahana Sulthana W/o. Mohd. Saleem,
Thorrur (V&M) Warangal, Warangal District. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction particularly one in the nature of Writ of Mandamus, declaring the action of the respondents No.1 & 2 in interfere with the peaceful possession and enjoyment of the petitioner's land to an extent of 200 Sq. yards situated in Sy.NO.1253 of New Raipura, Hanamkonda, Warangal District at the instance of the 3rd respondent pursuant to the ex-parte decree Dt. 12.6.2003 made in O.S.No.252 of 2000 on the file of the court of the principal Junior Civil Judge, Warangal, Warangal District, is arbitrary, unreasonable and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioner's land to an extent or 200 Sq.yards situated inSy. No.1253 of New Raipura, Hanamkonda, Warangal District.

Counsel for the Petitioner: MR.K.MURALIDHAR REDDY

Counsel for Respondent Nos.1 & 2: GP FOR HOME

Counsel for Respondent No.3: Mr.Y.Ashok Raj

The Court made the following:

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ORDER:-

Heard both the learned counsel and at their request, the writ petition itself is taken up for disposal at the stage of Interlocutory application.

Petitioner herein complains by way of this writ petition as against the alleged action of respondents 1 and 2 in seeking to interfere with the civil dispute pending with third respondent herein.

Having heard the counsel on either side and on perusal of the material on record, it is seen that admittedly the contesting respondent herein i.e., third respondent already filed civil suit i.e., O.S.No.252 of 2000 on the file of Principal Junior Civil Judge, Warangal, wherein initial temporary injunction was grant, but later the same was vacated. On appeal, learned II Additionl District Judge, Warangal granted injunction in favour of the appellant therein as per orders in C.M.A.No.3 of 2001. Having regard to the fact that there is already a civil dispute pending between the parties, it is not open to any of the parties to approach this Court under Article 226 of the Constitution of India complaining any action. It is needless to say that respondents 1 and 2 have to abide and implement the orders passed by the civil Court between the parties. Hence, I find no merit in this writ petition.

Accordingly, this writ petition is dismissed. No costs.

01—10—2004.

Stv/-

To

1 The Circle Inspector of Police,' Hanmkonda Police Station,
Warangal,Warangal District.
2 The Sub Inspector of Police, Hanmakonda Police Station,
Warangal, Warangal District.
3 The Principal Junior Civil Judge, Warangal.

4 The I Additional District Judge, Warangal/

5 Two C.Cs. to G.P. for Home, High Court Buildings,

High Court of A.P., Hyderabad (OUT)

6 Two C.D.Copies.